

EXHIBIT 24
Redacted Version of
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1 ** C O N F I D E N T I A L **

2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 SAN JOSE DIVISION

5 Case No. 5:20-cv-5146-LHK

6 -----x

7 PATRICK CALHOUN, ELAINE CRESPO,
8 HADIYAH JACKSON and CLAUDIA
9 KINDLER, on behalf of all
10 others similarly situated,
11 Plaintiffs,

12 - against -

13 GOOGLE LLC,
14 Defendant.

15 -----x

16 (Caption Continued)

17 November 24, 2021

18 9:06 a.m.

19 VOLUME II

20 Continued Videotaped Deposition of
21 ABDELKARIM MARDINI, taken by Plaintiffs,
22 pursuant to Notice, held via Zoom
23 videoconference, before Todd DeSimone, a
24 Registered Professional Reporter and Notary
25 Public of the States of New York and New
 Jersey.

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| <p>1 268, and that just states "Most users are 2 not aware of session-based tracking." 3 And my question is, are you 4 aware of -- do you have any understanding 5 of what that means, "session-based 6 tracking"? 7 A. No, I don't understand exactly 8 what they mean by "session-based tracking" 9 here, and the text is too small in these 10 graphs. 11 MR. REBLITZ-RICHARDSON: Okay. 12 Let's take a break. Off the record. 13 THE VIDEOGRAPHER: The time is 14 10:36. We are going off the record and 15 this will end media unit number one. 16 (Recess taken.) 17 THE VIDEOGRAPHER: The time is 18 10:54 a.m. We are back on the record and 19 this will be the start of media unit number 20 two. Counsel. 21 BY MR. REBLITZ-RICHARDSON: 22 Q. Mr. Mardini, who is Sundar 23 Pichai? 24 A. Sundar Pichai is the CEO of 25 Google.</p> <p style="text-align: right;">Page 301</p> | <p>1 to review that document, Exhibit 34. 2 A. One second, please. 3 (Witness perusing document.) 4 A. Yes. 5 Q. Is Exhibit 34 an e-mail you 6 received as part of your work for Google? 7 A. Yes, this is what the e-mail 8 says indeed. 9 Q. And do you see where 10 Mr. Galbraith refers to an exec review with 11 Sundar on March 21st, 2019? 12 A. Yes. 13 Q. And do you understand that to 14 be a reference to Mr. Pichai? 15 A. Yes. 16 Q. And under -- it says "The 17 concepts are," and the first point there is 18 "enhancements to incognito, in line with 19 the thinking from Chris Palmer and others." 20 Do you see that? 21 A. Yes. 22 Q. And, if you know, who is Chris 23 Palmer? 24 A. Chris Palmer was an engineer in 25 the Chrome security team.</p> <p style="text-align: right;">Page 303</p> |
| <p>1 Q. Have you ever communicated with 2 Mr. Pichai concerning incognito mode? 3 A. No, I did not communicate with 4 Mr. Pichai directly concerning incognito 5 mode. 6 Q. Do you recall a March 2019 7 meeting with Mr. Pichai to discuss issues 8 tied to incognito mode? 9 A. I was never in a meeting with 10 Mr. Sundar Pichai. 11 MR. REBLITZ-RICHARDSON: We are 12 going to mark as Exhibit 34, it is 13 GOOG-CABR-04991831. 14 (Mardini Exhibit 34 marked for 15 identification.) 16 Q. Mr. Mardini, would you please 17 tell me when you have Exhibit 34 in front 18 of you. 19 A. I'm refreshing. The last 20 exhibit I have is still Exhibit 33. It 21 might take a couple of seconds. 22 MS. NYBORG-BURCH: It should be 23 up now. 24 A. Yes, I see it. I'm opening it. 25 Q. Would you please take a moment</p> <p style="text-align: right;">Page 302</p> | <p>1 Q. Had, if you know, had 2 Mr. Palmer proposed changes to Chrome 3 incognito mode? 4 MR. SCHAPIRO: Objection, 5 vague, ambiguous. 6 A. Not directly to me, but Chris 7 was a vocal engineer who talked with a lot 8 of people. 9 Q. What understanding, if any, do 10 you have regarding what this is referring 11 to, "enhancements to incognito, in line 12 with the thinking from Chris Palmer and 13 others"? 14 MR. SCHAPIRO: Objection, 15 foundation. 16 A. I do not know exactly what Ben 17 Galbraith here was referring to about the 18 thinking from Chris Palmer. 19 Q. Do you recall any discussions 20 with Mr. Galbraith regarding that point, 21 "enhancements to incognito, in line with 22 the thinking from Chris Palmer and others"? 23 A. At this point in time I don't 24 recall exactly. This was my ramp-up time. 25 This is when I had just joined the Chrome</p> <p style="text-align: right;">Page 304</p> |

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| <p>1 Trust and Safety team in early 2019, so 2 there was lots of movements there. So I 3 can't remember what were the follow-ups to 4 this e-mail at this point. 5 MR. REBLITZ-RICHARDSON: Exhibit 6 35 is GOOG-CABR-04991832. 7 (Mardini Exhibit 35 marked for 8 identification.) 9 Q. Mr. Mardini, would you please 10 let me know when you have Exhibit 35 in 11 front of you. 12 A. I'm still refreshing. I have 13 it now. 14 Q. Would you please take a moment 15 to review Exhibit 35. 16 (Witness perusing document.) 17 A. Yes, I have reviewed it. 18 Q. Is Exhibit 35 an e-mail that 19 you received as part of your work for 20 Google? 21 A. Yes, I am in the CC list, so I 22 received it. 23 Q. And do you understand this to 24 be a response by Parisa Tabriz to 25 Mr. Galbraith's e-mail that was previously</p> <p style="text-align: right;">Page 305</p> | <p>1 Q. In connection with your work 2 for Google, do you sometimes send e-mails 3 that contain hyperlinks? 4 A. Yes. 5 Q. And why do you do that? 6 MR. SCHAPIRO: Objection to the 7 form of the question. 8 A. Why do I send e-mails that 9 contain hyperlinks? 10 Q. Yes, as opposed to, for 11 example, attaching a document to an e-mail. 12 A. Because I may be linking to an 13 article or I may be linking to just a web 14 page or I might be linking to an online 15 document, to an online presentation. 16 Q. Do you recall a presentation by 17 Chris Palmer titled The Incognito Problem? 18 A. Yes, I think I do. 19 Q. Did you provide any input in 20 connection with that presentation titled 21 The Incognito Problem? 22 A. No, I did not provide input to 23 that presentation, and I think I remember 24 it because it was one of the presentations 25 that might have been sent to me as I was</p> <p style="text-align: right;">Page 307</p> |
| <p>1 marked as Exhibit 34? 2 MR. SCHAPIRO: Objection, 3 foundation. 4 A. What the e-mail says, this is a 5 response from Ms. Tabriz to Mr. Galbraith. 6 Q. And do you see where Ms. Tabriz 7 wrote "To me, most of the problems Chris 8 outlined about incognito in," underlined, 9 "this deck," end underline, "aren't related 10 to [REDACTED]. I do think we should address 11 them but they are centered around browser 12 features and browser UX." 13 Do you see that? 14 A. Yes, I see that. 15 Q. Do you understand that the 16 underlined "this deck" is a hyperlink? 17 MR. SCHAPIRO: Objection, 18 foundation. 19 A. Looking at the e-mail right 20 now, I can't be certain whether this was a 21 hyperlink or not. 22 Q. What do you understand a deck 23 to be? 24 A. Presentation, collection of 25 slides.</p> <p style="text-align: right;">Page 306</p> | <p>1 ramping up. 2 Q. Did you invite other Google 3 employees to edit the presentation titled 4 The Incognito Problem, if you recall? 5 A. No, no. The presentation, I 6 was not involved in preparing the 7 presentation and, hence, I never invited 8 anyone to edit it. 9 MR. REBLITZ-RICHARDSON: Let's 10 mark Exhibit 36, GOOG-BRWN-00140297. 11 (Mardini Exhibit 36 marked for 12 identification.) 13 Q. Mr. Mardini, would you please 14 let me know when you have Exhibit 36 in 15 front of you. 16 A. Yes, I will. I'm refreshing 17 still. 18 Q. And I will state for the record 19 that Google's counsel has represented that 20 Exhibit 36 is the hyperlinked "this deck" 21 document from Exhibit 35. 22 A. I have Exhibit 36 open. 23 Q. Is Exhibit 36 The Incognito 24 Problem presentation that we were just 25 discussing?</p> <p style="text-align: right;">Page 308</p> |

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| <p>1 new tab page about you are starting off 2 with a clean slate, your browsing history 3 is not saved, and your cookies and related 4 site data are not saved, all that means, 5 that there is a very specific context in 6 which we can use the word "private." 7 So if I were to look at this 8 first bullet and try to interpret what it 9 means, I didn't write it personally, so 10 whatever I say may be right or may be 11 wrong, but it seems to be saying let's be 12 very clear about what the benefits of 13 incognito mode are and stay away from areas 14 that could be unclear. 15 MR. REBLITZ-RICHARDSON: Exhibit 16 39, GOOG-BRWN-00388293. 17 (Mardini Exhibit 39 marked for 18 identification.) 19 Q. Mr. Mardini, would you please 20 let me know when you have Exhibit 39 in 21 front of you. 22 A. Yes, I will. Yes, I have it in 23 front of me now. 24 Q. My first question is, is 25 Exhibit 39 an e-mail you sent as part of</p> <p style="text-align: right;">Page 333</p> | <p>1 A. I do not remember the exact 2 context of why Sundar didn't want to put 3 incognito under the spotlight at that point 4 in time. 5 Q. Did you have any discussions 6 with other Google employees about why 7 Mr. Pichai at that time did not want to put 8 incognito under the spotlight? 9 MR. SCHAPIRO: Objection, 10 foundation, assumes facts not in evidence. 11 A. No, I don't remember. 12 Q. Why did you write "Please don't 13 forward" at the top of your e-mail? 14 A. Because I believe that this is 15 a topic that should not be discussed with a 16 wider list. 17 Q. Other than this e-mail, do you 18 recall telling anyone else that Mr. Pichai 19 did not want to put incognito under the 20 spotlight? 21 MR. SCHAPIRO: Objection, 22 misstates the testimony, foundation. 23 A. I do not recall whether I 24 shared this, but I was not present at that 25 meeting. I don't even remember who Tom</p> <p style="text-align: right;">Page 335</p> |
| <p>1 your work for Google? 2 A. Yes. 3 Q. And do you see the bolded 4 number 2 in your e-mail? 5 A. Yes. 6 Q. Under that, do you see the 7 sentence starting "Yesterday"? 8 A. Uh-huh. 9 Q. Would you please read that 10 sentence aloud. 11 A. "Yesterday, at the PDPO SC 12 meeting, Tom Oliveri was present and told 13 them that Sundar didn't want to put 14 incognito under the spotlight so this 15 iconography/rebranding should not be an I/O 16 topic." 17 Q. When you wrote "Sundar didn't 18 want to put incognito under the spotlight," 19 were you referring to Mr. Pichai? 20 A. Yes. 21 Q. If you know, why did Mr. Pichai 22 not want to put incognito under the 23 spotlight? 24 MR. SCHAPIRO: Objection, 25 foundation.</p> <p style="text-align: right;">Page 334</p> | <p>1 Oliveri is, and it seems here I am relaying 2 a message that I heard second or thirdhand 3 probably from Sammit about a meeting, the 4 PDPO SC meeting, which I was not present 5 in, where a person named Tom Oliveri that I 6 didn't know, and probably this is why I 7 hyperlinked, because probably the 8 recipients of this e-mail also did not know 9 him. So as I said, I did not know why, I 10 don't know the reason, I just know that 11 this is a message that Sammit delivered to 12 me. 13 Q. Are you aware of any written 14 minutes of the meeting where Mr. Pichai 15 stated that he didn't want to put incognito 16 under the spotlight? 17 MR. SCHAPIRO: Objection, 18 assumes facts not in evidence, misstates 19 the document, foundation. 20 A. No, I do not know. 21 Q. After the bolded number 2 you 22 wrote "This was driven by Lorraine." 23 Do you see that? 24 A. Yes. 25 Q. Who were you referring to</p> <p style="text-align: right;">Page 336</p> |